IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 562 OF 2004

IN

WRIT PETITION NO. 343 OF 2002

THE GOA FOUNDATION ....Applicant

Versus

STATE OF GOA AND 5 ORS., ...Respondents

Mrs. Norma Alvares, Advocate for the Applicant.
Shri S.S. Kantak, Advocate General with Ms. R. Chodankar, Addl. Govt. Advocate for the State.
Shri Sudin Usgaoncar forR.10 and 13.
Shri S.D. Lotlikar with Ms. K. Sambhari for R.17 and 31.
Shri R.G. Ramani Advocate for R.11 and 27.
Shri M.S. Sonak with Shri P.S. Rao, Advocates for R.26, 45, 46, 41 and 40.
Shri M.S. Usgaoncar, Senior Advocate with Shri I. Aga, Advocate for R.28, 30, 33, 38 and 48.
Shri Sudesh Usgaoncar for R.25 absent.
Shri S.K. Kakodkar, Sr. Advocate with Mr. O de Ataide, J. de Souza, Advocates for R.9 and 29.
Shri V.B. Nadkarni, Sr. Advocte with Mr. Y.V. Nadkarni, Advocxate for R. 2, 32, 37 and 48.
Shri C.A. Coutinho, Advocate for R.7.
Shri S.G. Dessai, Sr. Advocate with Shri Shivan Dessai, Advocate for R.4 and 5.
Shri A.F. Diniz, Advocate for R.
Shri J. Vaz, Addl. Central Government Standing Counsel for R.

Coram:- R. M. LODHA &
N. A. BRITTO, JJ.

Date:- 4th October, 2005

P.C.:

Heard.

The following prayer has been made by means of this Misc. Civil

Application :-

" Pending hearing and final disposal of the petition, this Hon'ble Court restrain Respondent No.2 from initiating or carrying out any mining activities on mining lease No. 19/54. "

The learned Advocate for the Applicant submits that in the light of the Order passed by the Supreme Court on 11th May, 2005,the applicant is not desirous of prosecuting the application.

Shri V.B. Nadkarni, the learned Senior Counsel for the Respondent No.2, however, submitted that after the Order came to be passed by the Supreme Court on 11th May, 2005, the Respondent No.2 has got the requisite environmental clearance from the Ministry of Environment and Forests, Government of India on 30.9.2005.

We are of the view that nothing requires to be done by us insofar as prayer made in this Misc. Civil Application is concerned since the applicant is not desirous of prosecuting the application and the Respondent No.2 claims to have obtained the environmental clearance from the Ministry of Environment and Forests, Government of India.

However, it appears that the Respondents No.7 to 51 have been ordered to be impleaded under the orders of this Court in the Writ Petition as well as in the Misc. Civil Application. All these respondents have been served.

We are informed by the learned Senior Counsel and the counsel appearing for the respective respondents No.7 to 51 that some of the respondents have been granted clearance by the Ministry of Environment and Forests after the Order came to be passed by the Supreme Court on 11th May, 2005. In case of few other respondents, the matter is pending before the Ministry of Environment and Forests; some respondents the expert committee has recommended grant of clearance.

Against this backdrop, we are satisfied that presently no order needs to be passed by us in the Misc. Civil Application.

Misc. Civil Application is disposed of accordingly.

R. M. LODHA, J.

N. A. BRITTO, J.

sl.